

University of Houston

Ethics in Research, Scholarship and Creative Work: Scientific/Academic Misconduct

PREFACE

The University of Houston seeks excellence in the discovery and dissemination of knowledge. This excellence in scholarship requires all members of the University community to adhere to the highest standards of integrity with regard to research, scholarship and creative work.

Misconduct violates not only the relationship between a researcher and the University but also damages the reputations of the research and scholarly community. Therefore, it is the responsibility of each research investigator to avoid misconduct and to assure integrity in the collection of data, storage of records and accurate assignment of credit in publication documents. It is the responsibility of faculty members, students, staff members, research associates or fellows and persons outside the University to report instances of misconduct as well as instances of retaliation against those who, in good faith, bring charges of misconduct in science or scholarly research.

RULE STATEMENT

This rule addresses allegations of misconduct in research, scholarship and creative work at the University of Houston and applies to both non-sponsored and sponsored research conducted by employees, students and in some cases visiting scholars and collaborators.

ADHERENCE TO THE RULE OF MISCONDUCT

This rule will be followed when an allegation of misconduct in research, scholarship or creative work is received by the designated officer. The designated officer shall be the Vice President of Research or his/her designee who shall be a tenured professor. In addition to the Vice President of Research or the designee, a minimum of three committee members will be assigned by the Faculty Senate Executive Committee to serve a term of three years. The Faculty Senate Executive Committee (FSEC) will determine if any of the faculty committee members are involved in a reported academic misconduct allegation, the FSEC will replace this member with an alternate member until the current issue is resolved. By accepting an appointment, the committee members will agree to maintain a thorough understanding of the definition of misconduct in research, scholarship and creative work along with the regulations, rules, policies and procedures for dealing with misconduct issues.

RIGHTS AND RESPONSIBILITIES

Complainant

In order to bring a formal complaint, allegations of research misconduct must be made in writing and contain sufficient details to make clear the nature of the activity and a description of the facts, events and circumstances that led to the allegation. The Complainant may: 1) request to testify before the investigation committee; 2) be provided with access to the transcript of his/her testimony given to the investigative committee; 3) be informed of the results of the investigation;

and 4) be protected from retaliation. The Complainant is responsible for making allegations in good faith. It is not the responsibility of the Complainant to prove his/her allegation.

Respondent

The Respondent will have the opportunity to review the evidence presented against him/her and to present additional evidence. In addition, the Respondent may review the records pertaining to the case. The Respondent may: 1) be allowed to hear testimony at the hearing from the Complainant or other witnesses; 2) be allowed to submit questions, at or before the hearing, to be posed to the witnesses appearing at the hearing; 3) be interviewed by and present evidence to the investigative committees; 4) be allowed to review the investigation report; 5) be allowed to receive transcripts of the hearing; 6) be allowed to have the advice of counsel; and 7) be allowed to submit a written statement following the close of the hearing. The Respondent has the right to submit a written objection to a member of the investigative committee based on bias or conflict of interest within five (5) working days after the committee is appointed. If an objection is submitted, the Vice President of Research will immediately replace the challenged member with a qualified substitute and shall notify the Respondent of the substitution. The substituted member may not be from the same department as the Respondent or be involved in the matter. The Respondent is responsible for maintaining confidentiality and cooperating with the conduct of an investigation.

Notification of the Respondent Regarding the Hearing

Seven (7) working days prior to the investigative hearing, the Respondent shall:

- Be sent a notice stating the location, time and date of the hearing and offered the opportunity to testify and provide evidence.
- Be sent a list of witnesses expected to testify at the hearing and be notified in a timely manner of any changes to the witness list.

GENERAL RULES

Reporting Misconduct

A University of Houston employee or student who becomes aware of possible misconduct in research, scholarship or creative work shall immediately report the allegation within his/her department to his/her supervisor or department head. If a solution can be reached and agreed upon by all involved individuals within the department, the situation will be determined as resolved without involving the dean or the Vice President for Research.

If a solution is not reached within the department, the allegation will be reported to the dean and/or the Vice President for Research who will act immediately in determining a process to resolve the issue.

Cooperation with Investigations

A University of Houston employee or student will cooperate with the Vice President for Research and the appointed committee in the review of allegations and the investigation.

University of Houston employees and students have an obligation to provide relevant evidence to institutional officials on misconduct and allegations of misconduct.

Protection the Respondent

A University of Houston employee or student who receives or learns of an allegation of misconduct in research, scholarship or creative work should treat the information as confidential, to the extent allowed by law, and treat the Respondent with fairness and respect.

Objectivity

All persons involved in the misconduct proceedings shall conduct themselves in a professional and objective manner, without implying guilt or innocence on the part of any party to the case.

INQUIRY

NOTE: If the Respondent makes an admission of Research Misconduct at the inquiry stage, research misconduct may be determined at this stage.

The purpose of the inquiry is to evaluate the available evidence and testimony of the Respondent, Complainant or key witnesses to determine whether there is sufficient evidence of possible misconduct in research, scholarship or creative work to warrant an investigation. In conducting the inquiry the Vice President for Research or the designee and appointed committee members may interview witnesses, examine relevant primary research records, publications and reports, consult experts in the field and gather evidence beyond any that may have been submitted with the allegation. The Respondent may elect whether to be interviewed or not during the inquiry. If the Respondent is interviewed, he/she may be accompanied by counsel. If the Respondent retains an attorney, any requests to interview witnesses at the University shall be coordinated through the Office of the General Counsel. Any testimony given by a witness shall be recorded (with permission) and a transcript provided to the witness for review and correction of factual errors. The inquiry should be completed as promptly as reasonably possible. It is not the purpose of the inquiry to reach a final conclusion about whether misconduct definitely occurred or who was responsible.

INVESTIGATION

The purpose of an investigation is to explore the allegation in detail, to examine the evidence in depth and to determine specifically whether misconduct has been committed, by whom and to what extent. The investigation shall also determine whether there are additional instances of possible misconduct that would justify broadening the scope of the investigation beyond the initial allegations.

INQUIRY REPORT

The Vice President for Research or the designee and appointed committee members shall prepare a written report that states the evidence reviewed and includes the findings and recommendations made to the Provost. The report should be completed within forty (40) days of the receipt of the charge to the inquiry panel and should be given to the Respondent and all relevant parties. The

Respondent shall be given five (5) days after receipt of the report to submit any written comments to the Vice President for Research.

A FINDING OF RESEARCH MISCONDUCT

If the Vice President for Research and the appointed committee members determine that the alleged misconduct is substantiated by evidence, the following sanctions may include, but are not limited to the following:

- Notification and restitution of funding to any sponsoring agency as appropriate.
- Requirement for the withdrawal or correction of all published or pending abstracts, papers, reports or presentations resulting from the research in question.
- Removal of the Respondent from particular project, letter of reprimand, requirement that letters of apology be written and/or special monitoring of future academic work.
- Probation, suspension, salary adjustment, consideration of possible rank reduction or termination of employment or other items as deemed appropriate by the Provost.
- Notification to agencies on matters related to animal research.
- Notification to affected institutions of previous or current affiliation, co-authors and other affected parties.

NOTIFICATION TO THE COMPLAINANT

The Complainant shall be informed in writing the outcome of the inquiry within seven (7) working days and delivered by certified mail.

RECORDS OF THE INQUIRY

Records of the inquiry shall be maintained in the Office of the Vice President for Research in a secure plane for a period of seven (7) years.

APPEAL

The Respondent may appeal a decision of the findings to Provost within seven (7) working days. The grounds for the appeal shall be submitted in writing within fifteen (15) working days after filing the notice of the appeal.

APPOINTMENT AND CHARGE OF AN APPEAL PANEL

In the case of an appeal, the Provost shall form a five-person appeal panel to advise him/her on the merits of the case. No more than one panel member shall be from the department where the Respondent has his/her primary appointment, and no member of the appeal panel shall have been involved in the Inquiry or Investigation. The panel shall be formed and charged within twenty-five (25) days of the date of the certified mailing of the decision and the panel shall render its report within forty (40) days after receiving its charge.

GROUNDINGS OF AN APPEAL

The only grounds for recommendation of reversal by the appeal panel of a finding of misconduct shall be failure to follow appropriate procedures by the Investigative Committee, insufficient

evidence or arbitrary and capricious decision making. Sanctions may not be considered by the appeal panel, but may be considered on appeal by the Provost.

OUTCOME OF AN APPEAL

The Provost shall decide, within ten (10) working days of receiving the report of the appeal panel, whether to accept or reject, in whole or in part, the appeal panel's recommendations. Unless the Provost recommends a new Investigation, the Provost's determination shall conclude the University's proceedings with respect to the misconduct allegation.